



1480805, at \*1 (E.D.Mich. Jun 17, 2002) (quoting *Burton v. Johnson*, 975 F.2d 690, 694 (10th Cir.1992)).

On August 15, 2003 this Court entered judgment (Doc. 77) for the Plaintiffs after the parties filed a notice of acceptance of a Rule 68 Offer of Judgment (Doc. 76). The parties omitted from the offer of judgment and acceptance reference to the fact that \$75,000 of the settlement to Plaintiff minor Johnny Roe was to be structured. The purpose of the structure is to purchase an annuity that would pay minor Johnny Roe throughout his life. The annuity available from John Hancock would turn a \$75,000 settlement into a lifetime annuity of \$450.06 per month from age 21 until death, with \$5,000 cash on Johnny's 18<sup>th</sup> and 21<sup>st</sup> birthdays. The projected future benefits of this annuity, based on a normal life expectancy is \$ 323,242.00. The parties intended to structure the settlement for Johnny Roe, but omitted reference to it in the offer of judgment and acceptance. A structured settlement is in the best interest of minor Johnny Roe, see Declaration of Karen Meyers.

Therefore, the parties respectfully request that judgment be amended to state:

IT IS ORDERED AND ADJUDGED that pursuant to the Offer of Judgment and Acceptance of Judgment (Doc. 76) and the Joint Motion to Amend the Judgment, that judgment is entered against Defendant, Butler County, Ohio in the amount of Two Hundred Thousand Dollars (\$200,000), wherein \$75,000 of that judgment shall be distributed to John Hancock Assignment Co. for the purchase of a structured settlement annuity for the benefit of minor Johnny Roe.

Respectfully submitted,

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per authorization January 13, 2004  
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**CERTIFICATE OF SERVICE**

I here by certify that on January 15, 2004 a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. I further certify that a copy of the foregoing pleading and the Notice of Electronic Filing has been served by ordinary U.S. mail upon all parties for whom counsel has not yet entered an appearance electronically.

s/ Jennifer L. Branch  
Attorney for Plaintiff